

Harrington Park
PLANNING BOARD
REGULAR MEETING MINUTES
Tuesday, October 30, 2018 @ 8:00PM

Chairman Capazzi called the meeting to order at 8:01pm.

Open Public Meeting Act Announcement: In compliance with Chapter 231, Public Law 1975, adequate notice of this meeting was made. It has been posted on the Bulletin Board in the Municipal Center. Copies have been mailed to THE RECORD, NORTHERN VALLEY PRESS, and the NORTH JERSEY SUBURBANITE. A copy has been filed with the Borough Clerk and copies have been mailed to individuals requesting the same.

ROLL CALL

Roll Call	PRESENT	ABSENT
Chairman John CAPAZZI (JC)	X	
Vice-Chair Peter ARDITO (PA)	X	
Mayor Paul HOELSCHER (PH)	X	
Councilman Allan NAPOLITANO (AN)	X	
Member Richard McLAUGHLIN (RM)	X	
Member Philip LEE (PL)		X
Member Robert WALDRON (RW)	(8:03)	
Alt. #1 Jesse BARRAGATO (JB)	X	
Alt. #2 Denise VELA (DV)	X	

Also Present:

Jennifer Knarich, Board Attorney
Richard Preiss, Board Planner
Carolyn Lee Land Use Secretary

MINUTES FOR APPROVAL

July 10, 2018

Mr. Capazzi asked if there was any discussion. No discussion.

To approve the July 10, 2018 minutes	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Chairman John CAPAZZI			X			
Vice-Chair Peter ARDITO		X	X			
Mayor Paul HOELSCHER			X			
Councilman Allan NAPOLITANO	X		X			
Member Richard McLAUGHLIN						Not called
Member Philip LEE						X
Member Robert WALDRON						X
Alt. #1 Jesse BARRAGATO			X			
Alt. #2 Denise VELA			X			

INVOICES FOR APPROVAL

Harrington Park Sidewalk Improvements	Neglia Engineering (7/1/18 – 7/28/18)	\$ 750.20
Allegro (Escrow)	Neglia Engineering (7/1/18 – 7/28/18)	\$ 450.00
Allegro (Escrow)	Neglia Engineering (7/29/18 – 8/31/18)	\$ 225.00
Services for various projects in Harrington Park	Neglia Engineering (July 2018)	\$ 1,000.00
Parkhill Rd Water Main-SUEZ (Escrow)	Neglia Engineering (7/29/18 – 8/31/18)	\$ 356.00
Services for various projects in Harrington Park	Neglia Engineering (August 2018)	\$ 1,000.00

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Allegro II (Escrow)	Phillips Preiss Grygiel Leheny Hughes (May 2018)	\$ 940.50
20 Pascack (Escrow)	Phillips Preiss Grygiel Leheny Hughes (May 2018)	\$ 957.00
347 Parkside (Escrow)	Phillips Preiss Grygiel Leheny Hughes (June 2018)	\$ 181.50
Affordable Housing	Phillips Preiss Grygiel Leheny Hughes (June 2018)	\$ 1,163.50
Allegro II (Escrow)	Phillips Preiss Grygiel Leheny Hughes (June 2018)	\$ 1,651.50
20 Pascack (Escrow)	Phillips Preiss Grygiel Leheny Hughes (June 2018)	\$ 82.50
Affordable Housing	Phillips Preiss Grygiel Leheny Hughes (July 2018)	\$ 2,646.00
Allegro II (Escrow)	Phillips Preiss Grygiel Leheny Hughes (July 2018)	\$ 165.00
347 Parkside (Escrow)	Phillips Preiss Grygiel Leheny Hughes (July 2018)	\$ 165.00
Affordable Housing	Phillips Preiss Grygiel Leheny Hughes (August 2018)	\$ 2,470.00
347 Parkside (Escrow)	Phillips Preiss Grygiel Leheny Hughes (August 2018)	\$ 99.00
Affordable Housing	Phillips Preiss Grygiel Leheny Hughes (September 2018)	\$ 1,498.50
20 Pascack-Blue Hill (Escrow)	Price, Meese, Shulman & D'Arminio (May 2018)	\$ 1,110.00
Allegro (Escrow)	Price, Meese, Shulman & D'Arminio (May 2018)	\$ 930.00
20 Pascack-Blue Hill (Escrow)	Price, Meese, Shulman & D'Arminio (June 2018)	\$ 450.00
General	Price, Meese, Shulman & D'Arminio (June 2018)	\$ 640.58
COAH	Price, Meese, Shulman & D'Arminio (June 2018)	\$ 390.00
Allegro (Escrow)	Price, Meese, Shulman & D'Arminio (June 2018)	\$ 1,620.60
347 Parkside - Pastore (Escrow)	Price, Meese, Shulman & D'Arminio (June 2018)	\$ 420.00
COAH	Price, Meese, Shulman & D'Arminio (July 2018)	\$ 255.00
20 Pascack-Blue Hill (Escrow)	Price, Meese, Shulman & D'Arminio (July 2018)	\$ 90.00
General	Price, Meese, Shulman & D'Arminio (July 2018)	\$ 551.00
Allegro (Escrow)	Price, Meese, Shulman & D'Arminio (July 2018)	\$ 2,175.00
347 Parkside - Pastore (Escrow)	Price, Meese, Shulman & D'Arminio (7/3/18-8/30/18)	\$ 212.50
General	Price, Meese, Shulman & D'Arminio (August 2018)	\$ 585.00
COAH	Price, Meese, Shulman & D'Arminio (August 2018)	\$ 120.00
20 Pascack-Blue Hill (Escrow)	Price, Meese, Shulman & D'Arminio (August 2018)	\$ 60.00
General	Price, Meese, Shulman & D'Arminio (September 2018)	\$ 210.00
TOTAL		\$25,620.88

Mr. Capazzi asked if there was any discussion. There was no discussion.

Approval of Invoices on the agenda	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Chairman John CAPAZZI			X			
Vice-Chair Peter ARDITO			X			
Mayor Paul HOELSCHER			X			
Councilman Allan NAPOLITANO		X	X			
Member Richard McLAUGHLIN						Not called
Member Philip LEE						X
Member Robert WALDRON	X		X			
Alt. #1 Jesse BARRAGATO			X			
Alt. #2 Denise VELA			X			

REFERRAL FROM BOROUGH COUNCIL

1) Zoning Ordinance #727 - 100 & 106 Schraalenburgh R-AH Rezoning

Mr. Richard Preiss, Phillips Preiss Grygiel Leheny Hughes, Borough Planner consultant and assisting the borough for the affordable housing obligation. The last time that he was at a meeting, the Planning Board adopted the Housing Element Fair Share Plan on June 12, 2018. It was mandated by the settlement the borough reached with Fair Share Housing Center. The court in the fairness hearing endorsed it. The court required as part of the compliance that Planning Board adopts the fair share plan and adopts other ordinances for the plan. The Planning Board is asked to undertake a consistency review of Ordinance #727 for the rezoning of 100 & 106 Schraalenburgh

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Road from their existing zoning into a RAH District. This will meet most of the obligation that the borough has for the future and is also tied to the approval of the Allegro Development.

Document #1 is the Ordinance. Document #2 is the architectural plans. The plans were provided to the Planning Board ahead of time. These are the plans that have been negotiated and essentially agreed to by the 3 parties involved (Borough of Harrington Park, Allegro and BCUW). Allegro provides the funding. BCUW is responsible for addition the group home, supportive residence and affordable family units. A private developer will build a 9 unit townhouse and supplement the funding to BCUW.

The settlement agreement, the Housing Element and Fair Share Plan, and rezoning provides 2 schemes. One scheme is shown on the site plan. (sheet 3 of 8). The borough as part of it's agreement with fair share housing center has a contingency plan if the BCUW is not able to build the development as envisioned on the sheet A-3 (left side). Allegro would purchase the gas station property from United Way and develop 9 affordable rental family units. This would take care of the same obligation. Mr. Preiss is hoping that the contingency plan would not have to be put in place.

The architectural plan on sheet A-1 indicates the 9 unit townhouse development intended to be built on the boarding house side. On A-2 are the floor plans and elevations for United Way development with a group home with 4 beds. Each bed counts as a unit. There is a supportive unit, which is an additional unit, and 3 family rental units with a 1, 2 and 3-bedroom unit.

The degree of consistency, the settlement agreement referred to this development is in the borough's Housing Element and Fair Share Plan. Mr. Preiss read from the Housing Element and Fair Share Plan, Page 17, Satisfaction of the Third Round Obligation 2. Rezoning of a former gas station site (106 Schraalenburgh Road) and boarding house site (100 Schraalenburgh Road) section. The only change is the 9 market rate apartment for the gas station turns out to be 9 townhouses. Fair Share Center or court would have a problem that townhouses would be built and not apartments.

Ordinance #727 document, Zoning for 100 and 106 Schraalenburgh Road, which is provided, is consistent with the Housing Element and Fair Share Plan. The Planning Board can find that it is consistent. There are 2 alternative development options. Option A is reflective of the Site plan on sheet 1. Option B is the mixed use inclusionary alternative. If this should fail to materialize is the affordable family rental (C). There are use requirements, bulk regulations, parking requirements, signage requirements and site plan and building design guidelines. The Council has introduced the ordinance and set a date to the Planning Board consistency review. It will be Nov.19, 2018. Notice has been provided. As part of the requirement for the settlement Fair Share Housing Center, copies of the proposed ordinance has been sent to people on the service list and published in the paper as required of the municipal land use law.

As mentioned in the Housing Element and Fair Share Plan, the settlement describes the 3 way agreement between the Borough, Allegro and BCUW. The Plans will be attached to the agreement. It sets forth what the borough expects from the developer and what the developer provides plans along those lines can expects approvals. It reduces the risk and uncertainty on both sides. To ensure the development is built in accordance with the agreement that will be signed by the 3 parties. Mr. Podvey is here representing Allegro. Jennifer Knarich and Jack Dineen are working on the agreement. It will memorialize in agreement form the plans and ordinance that have been drafted for the rezoning. This is what the Planning Board will reveal when site plan approval of the ordinance is in place.

Ms. Knarich indicated that the second reading/hearing of the ordinance is scheduled for Nov. 19.

Mr. Podvey had nothing to add.

Mr. Capazzi asked if the Board had questions. Mr. Waldron recused himself. Mayor Hoelscher noted that UW Toronto representative wanted to attend and that he did not have any issue with the ordinance. This is consistent

Carolyn 11/9/2018 9:29 AM

Comment [1]: I'm not sure if this was worded correctly.

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with the discussion that Ms. Knarich had with him as well. Motion for a letter indicating zoning ordinance is consistent with the Fair Share Housing Element. Mr. Capazzi asked if there were questions. There were no questions.

Letter indicating zoning ordinance is consistent with the Fair Share Housing Element	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Chairman John CAPAZZI			X			
Vice-Chair Peter ARDITO		X	X			
Mayor Paul HOELSCHER			X			
Councilman Allan NAPOLITANO			X			
Member Richard McLAUGHLIN					(recused)	
Member Philip LEE						X
Member Robert WALDRON					(recused)	
Alt. #1 Jesse BARRAGATO	X		X			
Alt. #2 Denise VELA			X			

DISCUSSION

2) Tree Ordinance

Mr. Ardito said this was discussed the last time the Planning Board met. This is a result of what happened last year when Orange Rockland trimmed tree in town. They left about 12 stumps. When the utility company was asked to remove the stumps, they said it wasn't their responsibility. The county came in and removed the stumps. The county pointed out that the law was changed where the utility company no longer takes responsibility for the right of way even on county roads. There were crew in the area that took care of it, but in the future, they may not be so inclined. The Environmental Commission came up with an addition to the tree ordinance. It is done in two parts, One for homeowners and the other for commercial enterprises. For commercial enterprises, if there were major work done, the company would be responsible for cleaning/removing stumps. Mr. Ardito suggested that the commercial enterprise would be required to leave a bond or escrow with the town until the work is done. Ms. Knarich said that "bond" should be changed to "escrow". The escrow would cover the cost. They won't get it back if they don't complete the work. The fine would be the cost to replace a tree and would escalate if it continues.

In part 1 C) and 2 D), it indicates that there is a published list at Borough Hall and online of acceptable trees. Currently, there is no published list, but will be. The available list is outdated. Mr. Ardito will approach Neglia Engineering with approval and have them review so that it will be to code. Mr. Ardito spoke to the police commissioner about this. Mr. Ardito asked who would enforce this ordinance? This is only right of way, town property. Mr. Ardito is open for comments.

Mr. Barragato suggested that if they start working on a tree, they must finish the tree within a reasonable timeframe. Mr. Preiss said are usually 2 sets of regulations that come in to place. When you take a tree down, it is tree removal. Topping a tree is when you cut it down to a stump or cut off a significant number of branches. He suggests the language reflect that if the tree is topped the rest of the tree be removed or topping is not permitted. Ms. Knarich asked if it should be defined. Mr. Preiss noted that you need to define what a tree is or refer to the tree ordinance. The question is what constitutes a tree. This would be an addendum to the ordinance. Mr. Preiss noted that the ordinance indicates that the fee can be waived, but asked who can waive it? The language can be changed to "can be waived by" whoever is doing the enforcing. Ms. Knarich asked about enforcement and if it is in the zoning code. Mr. Ardito confirmed that it is in the zoning code. Ms. Knarich noted if this were within the zoning code, it would be within the zoning law. It is a good suggestion for Mr. Preiss to work with the Environmental Commission. Mr. Preiss said the ordinance needs to distinguish what is removal of a tree; what consists of topping; what is pruning and maintenance. Sometimes there is disagreement of when a tree is destroyed. What is meant by other commercial enterprise? Mr. Ardito said that a situation may be when a homeowner is putting in an addition, and large equipment needs to be brought on the property and a tree is removed. Mr. Preiss would like this stated more

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directly. It would be for a utility company or any other entity that would include property owner or landscaper. Mr. Ardito said that it was aimed at the landowner and the second part was directed at any commercial enterprise possibly with the permission from the landowner. The definition of commercial enterprise definition needs to be tightened up. Mr. Preiss and the attorney can work together. Mr. Capazzi asked to poll the board to taking this and amending the tree ordinance to the document and send to legal.

Mr. Napolitano asked if there could be no fee permits for property owner who may ask to take down 1 or 2 dead trees in the right of way. We don't want to punish an owner for taking down a dead tree. We want to prevent people from taking down 10 trees.

Mr. Ardito noted that Closter makes you get a permit to remove any tree. They don't charge until the 4th tree. They have a record for the entire property. He does not want to add any extra burden to homeowners. Mr. Napolitano would like to clarify for the number of trees for no fee. The building office is doing work. 1 D) covers the case of the emergency no one is getting in the way, but proof is needed.

Mr. Waldron had an experience where an arborist said the tree was dead, and another said that the tree would be cemented in and would not fall for years.

Mr. Ardito noted that this is for the borough's protection because we don't have people who look at every single tree out there.

Ms. Knarich suggest working with the planner, Environmental Commission and legal the come up with a final version. The Planning Board would discuss it one more time then ask Council to introduce it. There is an agreement to keep working on it.

3) Street Name – 20 Pascack Ave. (Potters Grove Lane)

Ms. Knarich noted that when there is street being named, the official map is changing. It is similar to an ordinance and would be referred for consistency. In this case, this is a request from the property owner to name the street based upon their history with the town. The Council has approved the name for the project. The applicant still need to come before us for final subdivision approval, so the records to this can be made in the resolution. Then the council can act officially about the street. The board was polled whether they would allow this.

Mayor Hoelscher – yes

Mr. Ardito – yes,

Ms. Vela – yes

Mr. Capazzi – yes

Mr. Napolitano – yes

Mr. Barragato – noted that there is a deceased veteran that does not have a street named after him and there are few streets created in town. There is a list of veteran names. Mr. Napolitano said that this was discussed in the Council meeting and they would usually have a veteran but considered this letter a one-time thing. Allegro development is a private street.

Mr. Waldron – veteran

Mr. McLaughlin – veteran. He said that he would have agreed with the property owner's request, but this list was probably in place before the subdivision was considered.

If the official map were changed, the name would need to go to the Planning Board for consistency review. For now, the Councils want to get an idea from the board for this request. A member asked if anyone spoken to the family? It is a heartfelt letter from the property owner who has a personal connection to the land. There is also a veteran who does not have a street named after him.

The Planning Board will take the information back to the Council.

4) Doctor offices taken out of Zone

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Mr. Waldron suggested that the zoning is outdated having a doctor's office allowed in a house based on its location. It would be only for doctor's offices. There are some services where no clients come or one rarely. To see patients come in and out, there are cars in the yard everyday. Back in the day, there were doctors in town, but that is not the case today. Also, there is a struggling downtown where there is a medical building available. Ms. Knarich noted that there are loopholes in the ordinance. She will make the suggestion to look at the ordinance. Mr. Preiss said there is an home occupation where no one comes inside the house; home professional office were a certain percentage of the floor area is devoted to the office. There are certain conditions and limitations, such as the number of employees and parking. Mr. Preiss will take a look to see where the definitions can be tightened. There are many people who work from home, but someone who sees multiple people everyday is different.

Mr. Ardito said that many people are working from home and may get many packages. Mr. Preiss said that this would be home occupation where you are not receiving visitors, but are conducting business out of the house. There would have a series of conditions as well. Ms. Knarich and Mr. Preiss will look at this ordinance.

Mr. Preiss said that the Pastore applicant installed a different landscaping plan than the one that was approved. There was a discussion with them and an as-built plan from their landscaping consultant was requested. Someone suggested that what was planted is better than the approved plan. Neglia Engineering verified and agreed that the planting was better than the plan. Mr. Preiss is not sure where the letter is currently. They were asking for a final seal. Ms. Knarich will follow-up.

OLD BUSINESS

Mr. Capazzi asked if there was any old business. There was no old business.

NEW BUSINESS

Mr. Capazzi asked if there was any new business. There was no new business.

Mr. Capazzi asked if there was anything on the agenda for November 13, 2018. Ms. Lee said there is nothing currently on the agenda. November 13, 2018 is during the League of Municipalities. Mr. Capazzi suggested the November meeting should be cancelled and asked the Board.

The 20 Pascack final subdivision application has not been submitted, but may happen in December.

A member asked about the Lynn Street application and when they expect to start building. Another member said that Volpe passed away and the project is on hold.

CLOSE MEETING

Motion: Mr. Napolitano

Second: Mayor Hoelscher

All in favor said "Aye". None opposed.

Meeting adjourned at 8:51PM.

NEXT SCHEDULED PLANNING BOARD
REGULAR MEETING
Tuesday, December 11, 2018 at 8pm